

PATENT

~~DACS~~

IN THE APPLICATION OF:

John A. Nix et al.

Serial No. 09/872,904

Filed: May 31, 2001

Title: Packet-Switched Telephony Call Server

Examiner: Steven Blount

Group Art Unit: 2661

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a. Petition Under 37 C.F.R § 1.137(b) and Exhibits 1-4;
- b. Notification of Foreign Filing Pursuant to 37 C.F.R § 1.213 (b)
- c. Return Receipt Postcard.

2. With respect to additional fees:

☒ Check in the amount of \$750.00.

3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.

4. I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Express Mail No. **EV596664113US**.

Respectfully submitted,

Date: November 1, 2005

By: Marcus J. Thymian
 Marcus J. Thymian
 Reg. No. 43,954

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 913-0001
Facsimile: (312) 913-0002

A grantable petition to revive under 37 C.F.R. § 1.137(b) must be accompanied by (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in §1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer. No terminal disclaimer is required in this case. Items (1) through (3) are discussed below.

(1) Reply To Outstanding Office Action Or Notice

37 C.F.R. § 1.137(f) states that the reply requirement for failure to timely notify the Office of a foreign filing "is met by the notification of such filing in a foreign country or under a multinational treaty...". Applicants hereby provide notification that a PCT application was filed on May 31, 2002, and was assigned PCT Application Number US02/17181. This PCT application was published as PCT Publication Number W02/098119 on December 5, 2002. Applicants have since abandoned this PCT Application. A copy of PCT Publication Number W02/098119 is attached as Exhibit 1. Attached as Exhibit 2 is a copy of a Notification of Foreign Filing Pursuant to 37 C.F.R. § 1.213(b), filed on November 1, 2005.

(2) Petition Fee As Set Forth In 37 C.F.R. § 1.17(m)

Included with this petition is a check for \$750.00, the small-entity fee under 37 C.F.R. § 1.17(m); Applicants are entitled to small entity status. The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Deposit Account Number 13-2490.

(3) Statement Under 37 C.F.R. § 1.137(b)(3)

Applicants hereby affirm that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition was unintentional. Applicants' undersigned representative first became aware of the failure to rescind the nonpublication request or to otherwise notify the Office of the foreign filing around the close of business on Thursday, October 27, 2005, when unrelated attempts to search for the published U.S. application were unsuccessful. The likely reason for the failure to rescind or otherwise notify is that Applicants (including Applicants' attorney) did not recall that a request for nonpublication had been filed with the original application. This petition was prepared over the ensuing four days and filed on Tuesday, November 1, 2005.

Information supporting the unintentional nature of the delay includes the following: (a) the record-keeping systems used by Applicants' attorney did not indicate that a nonpublication request had been filed for the 09/872,904 application, and provided no reminders to rescind the nonpublication request; (b) Applicants did not try to hide the existence of the filed PCT application, as evidenced by the filing of a Supplemental Information Disclosure Statement that disclosed the International Search Report from the PCT application; and (c) Applicants have diligently prosecuted the 09/872,904 application. This supporting evidence is set forth in fuller detail below.

(a) Applicants' Record-Keeping System

The attorney docket records for the 09/872,904 application and the corresponding PCT application (attorney docket numbers 00-581 and 00-581-A, respectively) are attached as Exhibit 3. The docket records do not indicate the filing of the request for nonpublication and do not show that any reminders to rescind the request for nonpublication were sent. The U.S. application was filed less than six months after the new procedures went into effect. The docket system utilized by Applicants' attorneys has been updated so that it now typically does include information and generate reminders relating to requests for nonpublication.

In addition, the attorney's file jacket for the 09/872,904 application contains no indication that any request for nonpublication was filed or that the same should have been rescinded. (See Exhibit 4.) The same file jacket includes notations showing due dates and/or filing dates for Information Disclosure Statements and a Responses to Office Action, for example.

(b) Disclosed International Search Report to Office

Also supporting Applicants' statement that the delay was unintentional is that Applicants made no attempt to hide that it had filed a corresponding PCT application, and in fact, Applicants even made the Office aware of the PCT application in filing a Supplemental Information Disclosure Statement (IDS). (See Exhibit 5.) The Supplemental IDS filed on October 29, 2003, included a "copy of the International Search Report dated July 30, 2003, from **counterpart international application** PCT/US02/17181." In addition, the Supplemental IDS also disclosed the three references cited in the International Search Report. The U.S. Examiner, Steven Blount, considered this International Search Report and the three cited references, as evidenced by his initialing each of these items on the PTO-1449 form. (See Exhibit 6.)

(c) Diligent Prosecution Throughout Application's Pendency

Finally, from the time the 09/872,904 application was first filed to the date this petition was filed, Applicants have consistently taken steps to further prosecution of the application. In addition to two IDS filings, Applicants have filed two status inquiries and have recently responded to a first Office Action. (See Exhibit 3.) In addition, Applicants have spoken with the Examiner by telephone on several occasions, in order to further the prosecution of this application. Applicants' actions during prosecution evidence the lack of any intent to take or fail to take any action that would result in this application's abandonment.

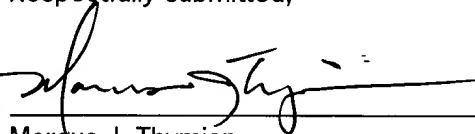
CONCLUSION

In light of the above statements and evidence in support of this petition, Applicants respectfully submit that this petition is in grantable form and request that it be granted.

Respectfully submitted,

Date: November 1, 2005

By:



Marcus J. Thymian

Reg. No. 43,954

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Chicago, Illinois 60606-6709

312 935 2352

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EXHIBIT 1

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
5 December 2002 (05.12.2002)

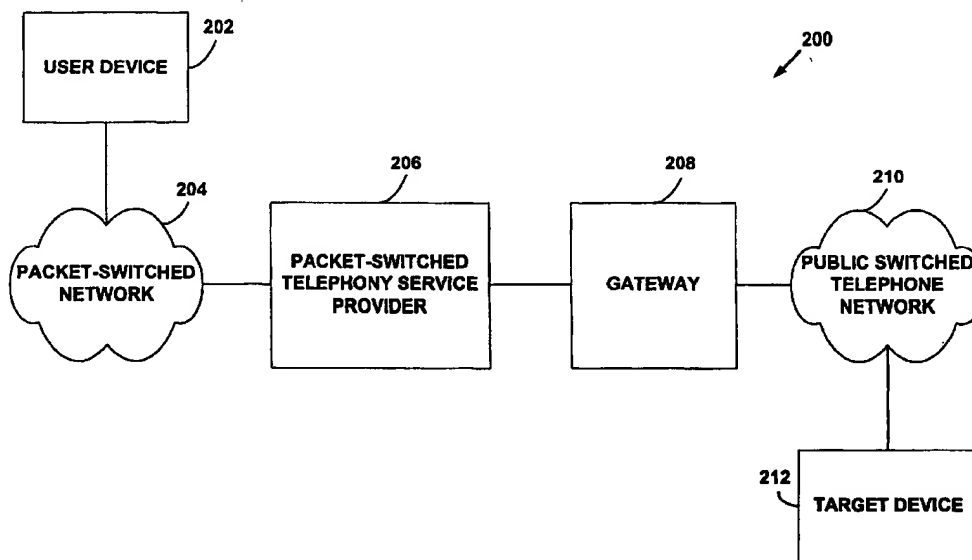
PCT

(10) International Publication Number
WO 02/098119 A3

- (51) International Patent Classification⁷: **H04M 7/00**, H04L 12/56, 12/64, 29/06
- (74) Agent: **THYMIAN, Marcus, J.**; McDonnell Boehnen Hulbert & Berghoff, 300 South Wacker Drive, Suite 3200, Chicago, IL 60606 (US).
- (21) International Application Number: PCT/US02/17181
- (22) International Filing Date: 31 May 2002 (31.05.2002)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data: 09/872,904 31 May 2001 (31.05.2001) US
- (71) Applicant: **GO2CALL.COM, INC.** [US/US]; 990 Grove Street, Suite 201, Evanston, IL 60201 (US).
- (72) Inventors: **NIX, John, A.**; 1471 W. Byron Street, Unit 2, Chicago, IL 60613 (US). **WILES, Brian, C.**; 2640 Cambridge Road, #3, Cameron Park, CA 95682 (US). **MUMMA, Jeffrey, S.**; 732 S. Financial Place #212, Chicago, IL 60605 (US).
- (81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA, ZM, ZW.
- (84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).
- Published:
— with international search report

[Continued on next page]

(54) Title: PACKET-SWITCHED TELEPHONY CALL SERVER



(57) Abstract: A system and method for providing packet-switched telephony service. The system provides call control, signaling, and/or delivery of voice, video, and other media in substantially real time. One embodiment of the system includes a call client application on a user device, and a call server located at a packet-switched telephony service provider. The call server is preferably operable to communicate with the call client in a non-native protocol and with the gateway in a native protocol.

WO 02/098119 A3



— *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments*

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(88) Date of publication of the international search report:
4 September 2003

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/17181

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 H04M7/00 H04L12/56 H04L12/64 H04L29/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04L H04M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>WO 00 70834 A (BJOERKNER JOERGEN ; TELIA AB (SE); NYCKELGAARD SOEREN (SE)) 23 November 2000 (2000-11-23) abstract page 1, line 27 -page 2, line 15 page 2, line 30 -page 3, line 11 page 4, line 12 -page 5, line 25 page 6, line 19 -page 7, line 13 page 8, line 1 -page 9, line 25 page 10, line 15-24 figure 3</p> <p style="text-align: center;">--- -/--</p>	1-14, 17-21

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search

5 May 2003

Date of mailing of the international search report

30. 07. 03

Name and mailing address of the ISA

European Patent Office, P.B. 5618 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Agante da Silva, P

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/17181

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 923 211 A (RADIVISION LTD) 16 June 1999 (1999-06-16) abstract paragraphs [0002], [0003], [0008], [0009], [0016], [0023], [0027], [0028] paragraphs [0035]-[0053] paragraphs [0072]-[0077] paragraph [0083] figures 1, 2A, 2B, 6A, 6B	1, 4-14
A	---	2, 3, 16-21
A	US 6 014 440 A (HERBERT MARK L ET AL) 11 January 2000 (2000-01-11) abstract column 1, line 55-65 column 2, line 41-46 column 3, line 18-33 column 3, line 51-67 -----	1-14, 17-21

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 02/17181

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1-13, 14, 17-21

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

1. Claims: 1-13,14,17-21

A system for providing telephony service over a packet-based network comprising: a call director operable to receive a call request over a packet-based network and to determine whether the call request is authorized; and a call handler operable to translate the call request from a non-native protocol to a native protocol (claim 1). Independent claim 10 considered to be comprised within the scope of this invention refers also to a user device capable of formulating a call request according to a non-native protocol.

2. Claims: 14-16,22-26

A system for providing telephony service over a packet-based network comprising: a front-end server operable to receive a call request from a user device, wherein the user device communicates the call request according to a non-native protocol; at least one call server operable to initiate a call according to the call request; at least one proxy to select a gateway to a public switched telephone network wherein the gateway operates according to a native protocol; and a load balancer operable to select a target call server from the at least one call server.

3. Claims: 27-31

A system for providing telephony service comprising: a call client downloadable to a user device located on a packet-switched network, wherein the call client is operable to transmit a first call request according to a non-native protocol; a call server located on the packet-switched network, wherein the call server is operable to receive the first call request according to the non-native protocol, wherein the call server is operable to transmit a second call request according to a native protocol.

4. Claims: 32-68

A method for providing packet-switched telephony service comprising: receiving a call request from a user device wherein the call request includes a target indicator corresponding to a target device, wherein the call request is in accordance with a non-native protocol; selecting a call server to process the call request, wherein the call server includes a call director operable to determine whether the call request is authorized; launching a call handler includes a call master and a call slave, wherein the call master receives the call request in the non-native protocol, wherein the call handler converts the call request to a native protocol; transmitting the call request in the

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

native protocol to a gateway, wherein the gateway implements the native protocol, and wherein the gateway is operable to forward the call request to the target device.

5. Claims: 69-76

A method for providing packet-switched telephony service comprising: receiving a call request from a user device according to a non-native protocol; providing a call server to process the call request wherein the call server includes a call director operable to determine whether the call request is authorized; registering the user device with a proxy server upon determining the call request is authorized, wherein the proxy server is operable to periodically obtain a gateway status selecting a gateway based on the gateway status, wherein the gateway operates according to a native protocol; transmitting a network address to the user device in a non-native protocol wherein the network address is associated to the gateway; transmitting the call request to the gateway in the native protocol, wherein the gateway implements the native protocol and wherein the gateway is operable to forward the call request to the target device; establishing a call.

6. Claims: 77-85

A method for providing packet-switched telephony service comprising: sending call control data from a user device to a packet switched telephony service provider according to a non-native protocol sending media from the user device to a gateway according to a native protocol.

7. Claims: 86-91

A method for providing packet-switched telephony service comprising: sending call control data and media from a user device to a packet switched telephony service provider according to a non-native protocol; sending the call control data and the media from the packet-switched telephony service provider to a gateway according to a native protocol.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/17181

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 0070834 A	23-11-2000	EP 1183838 A NO 20015187 A SE 9901819 A	06-03-2002 21-01-2002 20-11-2000
EP 0923211 A	16-06-1999	NONE	
US 6014440 A	11-01-2000	NONE	

EXHIBIT 2



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
MBHB Case No. 00-581

In the application of:

John A. Nix et al.

Serial No.: 09/872,904

Filed: May 31, 2001

For: Packet-Switched Telephony Call Server

Examiner: Steven Blount

Group Art Unit: 2661

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

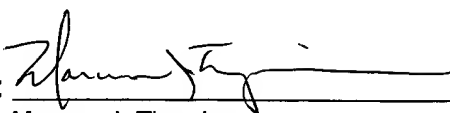
NOTIFICATION OF FOREIGN FILING PURSUANT TO 37 CFR § 1.213(b)

Dear Sir:

Applicants hereby provide notification that a PCT application was filed on May 31, 2002, and was assigned PCT Application Number US02/17181. This PCT application was published as PCT Publication Number W02/098119 on December 5, 2002. Applicants have since abandoned this PCT Application. A copy of PCT Publication Number W02/098119 is attached as Exhibit A. Applicants are concurrently filing a petition under 37 C.F.R. § 1.137(b) to revive. Applicants submitted a nonpublication request with their originally filed U.S. application, and subsequently filed a corresponding PCT application, without rescinding the nonpublication request or otherwise notifying the Office of the PCT filing within 45 days.

Respectfully submitted,

Date: November 1, 2005

By: 

Marcus J. Thymian
Reg. No. 43,954
McDonnell Boehnen Hulbert & Berghoff LLP
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Chicago, Illinois 60606-6709
312 935 2352
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EXHIBIT 3

Country Application

Sunday, October 30, 2005

Page: 1

Case Number: 00-581

Country: US

SubCase:

Client: Go2Call.com

United States of America

Title: Packet-Switched Telephony Call Server

Case Type: ORD

Application Status: Pending

Application Number: 09/872904

Filing Date: 31-May-2001

Publication Number:

Publication Date:

Priority Number:

Priority Date:

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Tax Schedule: SE

Expiration Date:

Confirmation #: 4692

Patent Term Adjustment: 0

File Out Date:

File Out To:

Agent:

Client Reference #:

Storage Location:

Family Reference:

Remarks: Old Case Number: MBHB00-581

Assignee:

Working Atty: MJT

Backup Atty: BJH

List Of Actions

Action(s) Due	Due Date		Action Taken
Filing Receipt Received	06-Aug-2001	Due Date	06-Aug-2001
Information Disclosure Stmt	31-Aug-2001	Due Date	18-Apr-2002
Reminder Missing Parts	02-Sep-2001	Reminder	04-Feb-2002
Post Card Receipt	30-Sep-2001	Reminder	31-May-2001
Missing Parts Due	02-Oct-2001	Due Date	04-Feb-2002
1st Extension-Missing Parts	02-Nov-2001	Due Date	04-Feb-2002
Foreign Filing 6 mon Reminder	30-Nov-2001	Reminder	30-Nov-2001
2nd Extension-Missing Parts	02-Dec-2001	Due Date	04-Feb-2002
3rd Extension-Missing Parts	02-Jan-2002	Due Date	04-Feb-2002
4th Extension-Missing Parts	02-Feb-2002	Due Date	04-Feb-2002
Foreign Filing 9 mon Reminder	28-Feb-2002	Reminder	28-Feb-2002
Missing Parts Deadline	02-Mar-2002	Final	04-Feb-2002
Foreign Filing 11 Mon Reminder	30-Apr-2002	Reminder	24-Apr-2002
Petition Dismissed	09-May-2002	Due Date	09-May-2002
Foreign Filing Due	31-May-2002	Final	31-May-2002
Req. for Recon. Of Pet. 2 Wks.	25-Jun-2002	Reminder	09-Jul-2002
Req. for Recon. Of Petition	09-Jul-2002	Final	09-Jul-2002
Granted Petition	23-Jul-2002	Due Date	23-Jul-2002
PTO Commun. Re: Joint Inventor	23-Jul-2002	Due Date	23-Jul-2002
Updated Filing Recpt. Received	09-Aug-2002	Due Date	09-Aug-2002
Corrected Filing Receipt	18-Nov-2002	Due Date	18-Nov-2002
Patent Status Inquiry	01-Apr-2003	Due Date	03-Apr-2003
Status Letter Reply	22-Apr-2003	Due Date	22-Apr-2003
Patent Status Inquiry	03-Oct-2003	Due Date	22-Apr-2003
Supplemental IDS Filed	29-Oct-2003	Due Date	29-Oct-2003
1 Mo Reminder Response to OA	28-May-2005	Reminder	20-Sep-2005
Response to OA Due	28-Jun-2005	Due Date	20-Sep-2005
1st Extension-Response to OA	28-Jul-2005	Due Date	20-Sep-2005
2nd Extension-Response to OA	28-Aug-2005	Due Date	20-Sep-2005
2 Weeks Resp to OA Deadline	12-Sep-2005	Due Date	20-Sep-2005
3rd Ext-Resp to OA Deadline	28-Sep-2005	Final	20-Sep-2005

User ID: cruz

Date Created: 20-Jul-2000

Last Update: 21-Sep-2005

Country Application

Sunday, October 30, 2005

Page: 1

Case Number: 00-581

Country: WO

SubCase: A

Client: Go2Call.com

Patent Cooperation Treaty

Title: Proprietary Call Architecture

Case Type: ORD

Application Status: Inactive

Application Number: US02/17181

Filing Date: 31-May-2002

Publication Number: W02/098119

Publication Date: 05-Dec-2002

Priority Number: 09/872904

Priority Date: 31-May-2001

Patent Number:

Issue Date:

Parent/PCT Number: 09/872904

Parent/PCT Date : 31-May-2001

Parent Issue Number:

Parent Issue Date :

Tax Schedule:

Expiration Date:

Confirmation #:

Patent Term Adjustment: 0

File Out Date:

File Out To:

Agent:

Client Reference #:

Storage Location: 608206

Family Reference:

Remarks:

Assignee:

Working Atty: MJT

Backup Atty: BJH

List Of Actions

Action(s) Due	Due Date		Action Taken
Bar/File by Due Date	31-May-2002	Due Date	31-May-2002
Reminder Inv. Correct defects	12-Jul-2002	Due Date	31-Jul-2002
PCT Record Copy (PCT/IB/301)	31-Jul-2002	Due Date	02-Jul-2002
Invitation to correct defects	02-Aug-2002	Due Date	31-Jul-2002
Confirm Designated Countries	31-Aug-2002	Due Date	31-Aug-2002
Post Card Receipt	30-Sep-2002	Reminder	31-May-2002
Pub Date/Chap II Reminder	30-Nov-2002	Due Date	30-Nov-2002
Chapter II Demand Due	31-Dec-2002	Final	31-Dec-2002
Chapter I Due (Nat'l Filing)	31-Jan-2003	Final	31-Jan-2003
Search Report Received	30-Jul-2003	Due Date	30-Jul-2003
Article 19 Amendment Due	30-Sep-2003	Due Date	30-Sep-2003
IPER/Nat'l Filings Reminder	30-Sep-2003	Due Date	30-Sep-2003

User ID: betzner**Date Created:** 30-May-2002**Last Update:** 05-May-2004

EXHIBIT 4

U.S. PATENT APPLICATION

INVENTORS

Name _____
 Street _____
 City _____
 State _____

TITLE _____

ASSIGNMENT TO _____

Recorded _____ Reel _____ Frame _____

OFFICIAL ACTIONS

RESPONSES

	DUE	FILED
1. IDS		4/18/02
2. Rec. for Reconsideration of Petition Final - July 9, 2002		7/9/02
3. Supplemental IDS		10/30/02
4. Office Action	6-28-05	
5. _____		
6. _____		
7. _____		
8. _____		
9. _____		
10. _____		

☐ Parent ☐ Provisional ☐ Design ☐ Priority Date _____
☐ Cont. ☐ CIP ☐ Div. ☐ Document _____
☐ National Phase ☐ No. _____
 SMALL ENTITY () Yes () No

Allowed _____ Patent No. _____
 Fee Due _____ Issue Date _____

MAINTENANCE

YEARS	3 1/2	7 1/2	11 1/2
DUE			
PAID			

Remarks _____

Country U.S.
 Serial No. 09/872,404
 Filing Date 5/24/01

TITLE Proprietary Call Architecture

Inventors John Nix, Entrepreneur Search;
Brian C. Wiles; Jeff A. [unclear]

Case No. MBH300-581

Attorney MJI/BTH

Client No. 489

Matter No. 05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
MBHB Case No. 00-581

In the application of:)	
)	
John A. Nix et al.)	
)	Examiner: Steven Blount
Serial No.: 09/872,904)	
)	Group Art Unit: 2661
Filed: May 31, 2001)	
)	
For: Packet-Switched Telephony Call Server)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

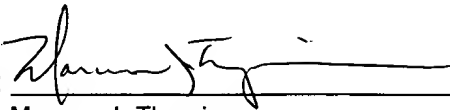
NOTIFICATION OF FOREIGN FILING PURSUANT TO 37 CFR § 1.213(b)

Dear Sir:

Applicants hereby provide notification that a PCT application was filed on May 31, 2002, and was assigned PCT Application Number US02/17181. This PCT application was published as PCT Publication Number W02/098119 on December 5, 2002. Applicants have since abandoned this PCT Application. A copy of PCT Publication Number W02/098119 is attached as Exhibit A. Applicants are concurrently filing a petition under 37 C.F.R. § 1.137(b) to revive. Applicants submitted a nonpublication request with their originally filed U.S. application, and subsequently filed a corresponding PCT application, without rescinding the nonpublication request or otherwise notifying the Office of the PCT filing within 45 days.

Respectfully submitted,

Date: November 1, 2005

By: _____

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EXHIBIT A

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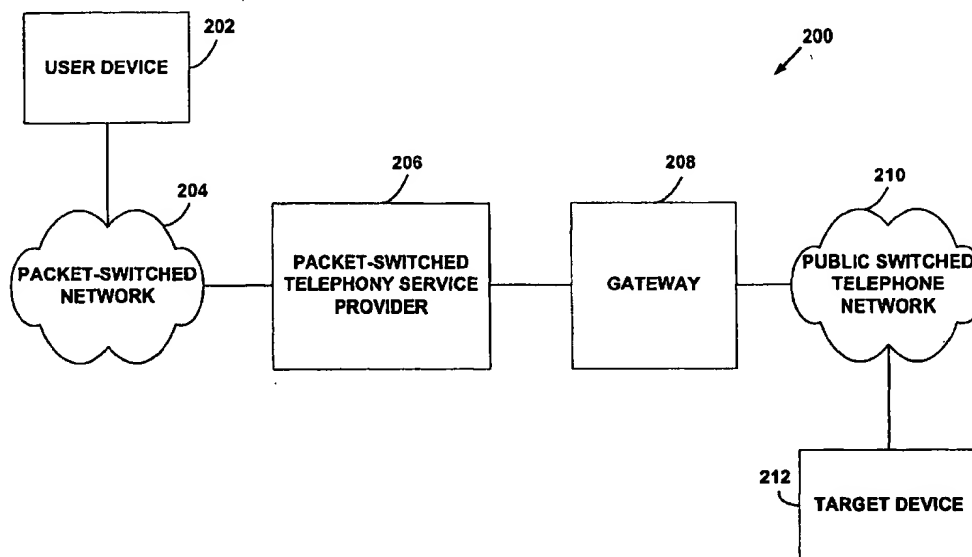
(81) Designated States (*national*): AE, AG, AL, AM, AT, AU,
AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU,
CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH,
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LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW,
MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG,
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European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR,
GB, GR, IE, IT, LU, MC, NL, PT, SE, TR), OAPI patent
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Published:
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[Continued on next page]

(54) Title: PACKET-SWITCHED TELEPHONY CALL SERVER



(57) Abstract: A system and method for providing packet-switched telephony service. The system provides call control, signaling, and/or delivery of voice, video, and other media in substantially real time. One embodiment of the system includes a call client application on a user device, and a call server located at a packet-switched telephony service provider. The call server is preferably operable to communicate with the call client in a non-native protocol and with the gateway in a native protocol.



— before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(88) Date of publication of the international search report:
4 September 2003

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/17181

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 H04M7/00 H04L12/56 H04L12/64 H04L29/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04L H04M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>WO 00 70834 A (BJORKNER JOERGEN ; TELIA AB (SE); NYCKELGAARD SOEREN (SE)) 23 November 2000 (2000-11-23) abstract page 1, line 27 -page 2, line 15 page 2, line 30 -page 3, line 11 page 4, line 12 -page 5, line 25 page 6, line 19 -page 7, line 13 page 8, line 1 -page 9, line 25 page 10, line 15-24 figure 3</p> <p style="text-align: center;">---</p> <p style="text-align: center;">-/--</p>	<p>1-14, 17-21</p>

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

5 May 2003

Date of mailing of the international search report

30. 07. 03

Name and mailing address of the ISA

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Agante da Silva, P

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 02/17181

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 923 211 A (RADIVISION LTD) 16 June 1999 (1999-06-16) abstract paragraphs [0002], [0003], [0008], [0009], [0016], [0023], [0027], [0028] paragraphs [0035]-[0053] paragraphs [0072]-[0077] paragraph [0083] figures 1, 2A, 2B, 6A, 6B	1, 4-14
A	---	2, 3, 16-21
A	US 6 014 440 A (HERBERT MARK L ET AL) 11 January 2000 (2000-01-11) abstract column 1, line 55-65 column 2, line 41-46 column 3, line 18-33 column 3, line 51-67 -----	1-14, 17-21

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 02/17181

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-13, 14, 17-21

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

1. Claims: 1-13,14,17-21

A system for providing telephony service over a packet-based network comprising: a call director operable to receive a call request over a packet-based network and to determine whether the call request is authorized; and a call handler operable to translate the call request from a non-native protocol to a native protocol (claim 1). Independent claim 10 considered to be comprised within the scope of this invention refers also to a user device capable of formulating a call request according to a non-native protocol.

2. Claims: 14-16,22-26

A system for providing telephony service over a packet-based network comprising: a front-end server operable to receive a call request from a user device, wherein the user device communicates the call request according to a non-native protocol; at least one call server operable to initiate a call according to the call request; at least one proxy to select a gateway to a public switched telephone network wherein the gateway operates according to a native protocol; and a load balancer operable to select a target call server from the at least one call server.

3. Claims: 27-31

A system for providing telephony service comprising: a call client downloadable to a user device located on a packet-switched network, wherein the call client is operable to transmit a first call request according to a non-native protocol; a call server located on the packet-switched network, wherein the call server is operable to receive the first call request according to the non-native protocol, wherein the call server is operable to transmit a second call request according to a native protocol.

4. Claims: 32-68

A method for providing packet-switched telephony service comprising: receiving a call request from a user device wherein the call request includes a target indicator corresponding to a target device, wherein the call request is in accordance with a non-native protocol; selecting a call server to process the call request, wherein the call server includes a call director operable to determine whether the call request is authorized; launching a call handler includes a call master and a call slave, wherein the call master receives the call request in the non-native protocol, wherein the call handler converts the call request to a native protocol; transmitting the call request in the

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

native protocol to a gateway, wherein the gateway implements the native protocol, and wherein the gateway is operable to forward the call request to the target device.

5. Claims: 69-76

A method for providing packet-switched telephony service comprising: receiving a call request from a user device according to a non-native protocol; providing a call server to process the call request wherein the call server includes a call director operable to determine whether the call request is authorized; registering the user device with a proxy server upon determining the call request is authorized, wherein the proxy server is operable to periodically obtain a gateway status selecting a gateway based on the gateway status, wherein the gateway operates according to a native protocol; transmitting a network address to the user device in a non-native protocol wherein the network address is associated to the gateway; transmitting the call request to the gateway in the native protocol, wherein the gateway implements the native protocol and wherein the gateway is operable to forward the call request to the target device; establishing a call.

6. Claims: 77-85

A method for providing packet-switched telephony service comprising: sending call control data from a user device to a packet switched telephony service provider according to a non-native protocol sending media from the user device to a gateway according to a native protocol.

7. Claims: 86-91

A method for providing packet-switched telephony service comprising: sending call control data and media from a user device to a packet switched telephony service provider according to a non-native protocol; sending the call control data and the media from the packet-switched telephony service provider to a gateway according to a native protocol.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 02/17181

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 0070834 A	23-11-2000	EP 1183838 A NO 20015187 A SE 9901819 A	06-03-2002 21-01-2002 20-11-2000
EP 0923211 A	16-06-1999	NONE	
US 6014440 A	11-01-2000	NONE	